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July 12, 2018

The Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: *Picard v. Ken-Wen Family Limited Partnership, et al.*, Adv. Pro. No. 10-04468 (SMB) (Bankr. S.D.N.Y.)

Dear Judge Bernstein:

Young Conaway Stargatt & Taylor, LLP ("Young Conaway") is counsel for Irving Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq., and the substantively consolidated estate of Bernard L. Madoff, and is counsel of record for the Trustee in the above-referenced adversary proceeding (the "Adversary Proceeding").

On March 25, 2018, counsel for Defendant Kenneth W. Brown ("Mr. Brown") filed *Defendant Kenneth W. Brown's Motion to Dismiss Plaintiff's First Amended Complaint* [Adv. Docket No. 95] (the "Motion to Dismiss") in the Adversary Proceeding.

As required by the Court's *Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order* [Adv. Pro. No. 08-01789, Adv. Docket No. 3141] (the "Case Management Order"), Young Conaway proposed mediation to resolve both the Motion to Dismiss and the Adversary Proceeding as it relates to Mr. Brown. While Young Conaway believes mediation likely would be effective in this matter, counsel for Mr. Brown does not. As such, in the interest of moving this matter forward, pursuant to the Case Management Order, please consider this letter the Trustee's and Mr. Brown's joint request to hear the Motion to Dismiss on such schedule as the Court may determine.

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If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

/s/ Matthew B. Lunn

Matthew B. Lunn
Counsel for the Trustee